

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JAMES DAVENPORT,  
Plaintiff

No. 3:14cv742

(Judge Munley)

v.

(Magistrate Judge Carlson)

UNITED STATES OF AMERICA,  
Defendant

**ORDER**

**AND NOW**, to wit, this 8th day of July 2015, it is **HEREBY**  
**ORDERED** as follows:

1. Defendant's objections to the Report and Recommendation (Doc. 15) are **OVERRULED**;
2. The R&R of Chief Magistrate Judge Carlson (Doc. 14) is **ADOPTED** to the extent that defendant's motion to dismiss plaintiff's FTCA claim (Doc. 10) is **DENIED**;
3. The action shall **PROCEED** against Defendant United States;
4. Defendant United States shall file an answer within 30 days; and
5. This case is **REMANDED** to Chief Magistrate Judge Carlson for further proceedings.

**BY THE COURT:**

s/ James M. Munley  
**JUDGE JAMES M. MUNLEY**  
United States District Court